

REMARKS

1. Claims 1-30 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 704,352 issued to Mathein (hereinafter referred to as "Mathein").

Specifically, the Examiner indicates that "the blade angle is approximately 68 degrees. The drawing may not be to scale but it is felt that the claimed ranges are at least close to those of the reference. Since there appears to be little effective difference in the specifics of the reference and the claimed ranges such ranges would have been obvious for one of ordinary skill in the art to specify." Claims 2, 3, 7-12, and 14-24 have been cancelled. With respect to the remaining claims, applicants respectfully disagree.

Mathein discloses a "Revolving Trimmer for Photographic Prints" that includes a revolving cutter. The cutter rotates about a horizontal section of a spring axis. The spring axis can be rotated to permit release of the cutter from the spindle C. Mathein discloses that the motivation for the quick release mechanism is facilitate replacement of dull disks with sharp ones. In particular, Mathein discloses that "users of these implements, as well as the manufacturers and dealers, are subject to continual annoyance by reason of the necessity of getting extra parts". Hence, it is apparent that the cutter wheels contemplated by Mathein become dull and unusable in a very short period of time.

Other than the depiction of the cutter blade shown in FIG.4, there is no disclosure with Mathein regarding the edge angle of the cutter wheel. The prima facie case necessary to support the present rejection would have to establish that the teachings of Mathein render the edge angle limitations recited within claims 1, 4-6, 13, and 25-30; i.e., at least between 40 and 50 degrees. In the Office Action, the Examiner indicates that the blade angle is approximately 68°, which is well outside the claimed range.

Applicants respectfully submit that the drawings within Mathein cannot be relied upon for scaled information. Section 2125 of the MPEP indicates that "PROPORTIONS OF FEATURES IN A DRAWING ARE NOT EVIDENCE OF ACTUAL PROPORTIONS WHEN DRAWINGS ARE NOT TO SCALE" and cites In re Wright as support. In In re Wright, the CCPA noted that the reference relied upon by the PTO contained no disclosure indicating that the drawings were to scale. The CCPA then stated that "[a]bsent any written description in the specification of quantitative values,

arguments based on measurement of a drawing are of little value".¹ The same situation exists in Mathein. There is nothing in Mathein indicating that the drawings are to scale. Hence, information scaled off of the drawing is of little value and cannot be relied upon to establish obviousness.

The differences between the claimed device and cited reference (e.g., the edge angle of the cutter blade) are significant. In his Declaration of 9/6/02, Mr. Vincent Kozyrski provided detailed information regarding the enhanced durability provided by the cutter blade geometry disclosed and claimed within the present application. The fact that Mathein discloses an apparatus for facilitating the release of dull cutter wheels is illustrative of the difference between the two devices, particularly when the data establishing the substantial durability of the present device is considered.

Applicants also provide herewith a further Declaration from Mr. Kozyrski illustrating the relationship between the edge angle of the cutter blade and performance.

In his declaration, Mr. Kozyrski details the results of performance tests conducted in April 2002 wherein the participants rated rotary cutters having cutter blades having edge angles of 46.5°, 50.5°, 53.0°, and 61.0°. The results show that 90.3% (28 of 31) of the participants rated the rotary cutter with the 61.0° edge angle to be the worst-performing blade. None of the participants rated the rotary cutter with the 61.0° edge angle to be the best-performing blade. Overall, the participants rated the quality of the rotary cutters in the following order: Cutter No. 2 (edge angle of 46.5°) best performing, Cutter No. 3 (50.5°), Cutter No. 4 (53.0°), and Cutter No. 5 (61.0°) worst performing. It is quite clear from the results, that there is not only a significant difference in performance between the 46.5° cutter blade and the 61° cutter blade, but also a trend wherein performance decreases as the edge angle increases. Following that trend, the performance testing data clearly suggests that a blade edge angle of 68° would not perform nearly as well as a blade edge angle in the claimed range. Consequently, the presently claimed rotary cutting blades are not obvious in view of the blade angle scaled off of the drawings of Mathein.

In short, applicants respectfully traverse the Examiner's conclusion that the invention of claims 1, 4-6, 13, and 25-30 is obvious in view of Mathein. Accordingly,

¹ In re Wright, 193 USPQ 332, 335 (CCPA 1977) citing In re Chitayat, 161 USPQ 224 (1969) as support.

applicants respectfully request the Examiner withdraw this rejection and allow amended and existing claims 1, 4-6, 13, and 25-30.

2. Claims 1-12 and 18-30 are rejected under 35 U.S.C §103(a) as being unpatentable over U.S. Patent No. 5,235,748 issued to Jahn ("Jahn"). Specifically, the Examiner indicates that the blade angle is approximately 60 degrees, and the drawings are not to scale and but the rational for the rejection is the same as that identified above. Claims 2, 3, 7-12, and 18-24 have been cancelled. With respect to the remaining claims, applicants respectfully disagree.

Applicants direct the Examiner to the above remarks. Here again, there is no disclosure within Jahn regarding the edge angle of the rotary cutting blade, and information scaled off of the drawing is of little value and cannot be relied upon to establish obviousness. For the reasons identified above, including the performance and durability data disclosed within the Declarations of Mr. Vincent Kozyrski, applicants respectfully submit that the apparatus claimed within claims 1, 4-6, and 25-30 are not obvious in view of the cited reference. Accordingly, applicants respectfully request the Examiner withdraw this rejection and allow amended and existing claims 1, 4-6, and 25-30.

As applicants have traversed the rejection raised by the Examiner, it is respectfully requested that the Examiner withdraw the stated rejections, allow claims 1, 4-6, 13 and 25-30, and pass the present application on to issuance. Applicants believe that

no fee is due in connection with this Response, however, in the event a fee is due, please charge our Deposit Order Account No. 13-0235.

Respectfully submitted,

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